

## **REMARKS**

The Office Action dated June 20, 2006, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

By this amendment, Claim 1 has been amended. The Applicant respectfully submits that the claim amendments are fully supported in the specification as filed, for example on page 3, lines 7-22, and page 9, lines 4-16. No new matter has been added. Thus, Claims 1-3 are currently pending in the application and are subject to examination.

### **Rejection of Claims 1-3 Under 35 U.S.C. § 103(a)**

Claims 1-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hakkinen et al. (U.S. Patent Publication No. 2001/0023185, hereinafter "Hakkinen") in view of Nakano et al. (U.S. Patent No. 5,933,782, hereinafter "Nakano"), and further in view of Taguchi (U.S. Patent No. 6,600,907). To the extent the rejection remains applicable to the claims currently pending, the Applicant respectfully traverses the rejection.

Claim 1, as amended, recites a radio base station for performing a radio communication with a plurality of mobile stations, each of which has a plurality of antennas, the radio base station being characterized by a capacity to establish a radio connection with each of the plurality of mobile stations, optionally using a space division multiplex method, and when the radio base station and the plurality of mobile stations have established radio connection using the space division multiplex method, and the radio base station starts a communication with one of the plurality of mobile stations using the space division multiplex method,

transmitting to the mobile station an instruction to stop performing a diversity reception that uses a plurality of antennas, and to start performing a reception that uses a single antenna.

The Applicants submit that the applied prior art fails to teach or suggest all the elements of the claimed invention.

The Office Action cites Hakkinen as allegedly disclosing “a radio station that performs a communication with a plurality of mobile stations by the space division multiplex method.” The Office Action admits that Hakkinen fails to teach, among other elements, when the radio base station and the plurality of mobile stations have established radio connection using the space division multiplex method, and the radio base station starts a communication with one of the plurality of mobile stations using the space division multiplex method, transmitting an instruction to stop performing a diversity reception that uses a plurality of antennas, and to start performing a reception that uses a single antenna, as recited in Claim 1. The Office Action cites Nakano and Taguchi as allegedly curing these deficiencies.

Nakano merely discloses that “a mobile station simultaneously connects to a plurality of radio base stations, and combines signals received from the plurality of radio base stations (diversity combining). A radio base station transmits an instruction to the mobile station to stop the diversity combining. Upon receiving the instruction signal, the mobile station stops the diversity combining.” However, the Nakano reference fails to disclose or suggest the timing at which the radio base station transmits the stop signal to a mobile station. Accordingly, Nakano fails to teach or suggest at least when the radio base station and the plurality of mobile stations have established radio connection using the space division

multiplex method, and the radio base station starts a communication with one of the plurality of mobile stations using the space division multiplex method, transmitting to the mobile station an instruction to stop performing a diversity reception that uses a plurality of antennas, and to start performing a reception that uses a single antenna, as recited in Claim 1. Taguchi is cited as allegedly curing the deficiencies of Hakkinen and Nakano.

The Office Action cites Taguchi as allegedly disclosing that “a mobile station has a plurality of antennas, stops the reception” (see Office Action, page 3). However, Taguchi fails to teach or suggest the timing of stopping the reception of the plurality of antennas. Accordingly, Taguchi fails to teach or suggest at least when the radio base station and the plurality of mobile stations have established radio connection using the space division multiplex method, and the radio base station starts a communication with one of the plurality of mobile stations using the space division multiplex method, transmitting to the mobile station an instruction to stop performing a diversity reception that uses a plurality of antennas, and to start performing a reception that uses a single antenna, as recited in Claim 1.

Accordingly, Hakkinen, Nakano, and Taguchi, alone or in any combination, fail to teach or suggest at least the combination of **when the radio base station and the plurality of mobile stations have established radio connection using the space division multiplex method, and the radio base station starts a communication with one of the plurality of mobile stations using the space division multiplex method, transmitting to the mobile station an instruction to stop performing a diversity reception that uses a plurality of antennas, and to start performing a reception that uses a single antenna, as recited in**

Claim 1.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143.03. For at least the reasons provided above, Applicants submit that Hakkinen in view of Nakano and further in view of Taguchi, alone or in any combination thereof, do not teach or suggest all the elements of Claim 1. Accordingly, the Applicant respectfully submits that Claim 1 is allowable.

As Claims 2-3 depend from Claim 1, the Applicant submits that each of these claims incorporates the patentable aspects therein, and are therefore allowable for at least the reasons set forth above with respect to the independent claim, as well as for the additional subject matter recited therein.

Additionally, Applicants respectfully contend that the Office Action has failed to provide any motivation for combining the teachings of Hakkinen, Nakano, and Taguchi. The Office Action has failed to cite to any portion of Hakkinen, Nakano, Taguchi, or any other objective teachings in the relevant art that would cause one skilled in the art to combine the references, as asserted by the Office Action.

The Office Action merely restates the benefits of the present invention, stating "the combination of the three references cited is believed to be proper because the teachings of the three references in combination are now clearly believed to cover all limitations of the independent claims, and also because the combination greatly benefits the field of diversity reception because power consumption is greatly reduced." However, even if this statement constituted sufficient motivation to combine Hakkinen, Nakano, and Taguchi, there is nothing in the applied references to evidence the desirability of these advantages in the

disclosed structure.

Consequently, the Applicant respectfully submits that the Office Action has merely used the Applicant's disclosure as a blueprint to combine selected elements of the applied art in a piecemeal fashion to allegedly result in the claimed invention. Such a practice is impermissible and contrary to law. Thus, the Applicant submits that a *prima facie* case of obviousness has not been established.

Accordingly, the Applicant respectfully requests withdrawal of the rejection.

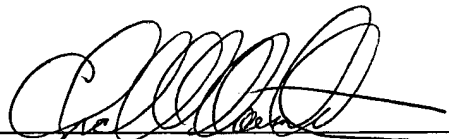
### **Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objections and rejections, allowance of Claims 1-3, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that this paper is not considered to be timely filed, an appropriate extension of time is requested. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Deposit Account No. 01-2300, referencing Attorney Docket Number 101201-00013.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Marmelstein', written over a horizontal line.

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